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EXAMINER				
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09/26/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

### Office Action Summary

**Application No.**

10/697,915

**Applicant(s)**

JANAKIRAMAN ET AL.

**Examiner**

ROB WU

**Art Unit**

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-12, 14, 15, 19-23, 25, 26 and 28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 8-12, 14, 15, 19-23, 25, 26 and 28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 27 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed May 27 2008 have been fully considered but they are not persuasive.

The applicant asserts that Nassar combined with Anderson et al, Lee et al and Bekkers do not teach or suggest "wherein the altered downstream segments include both (i) changes that were made to certain of the downstream segments of the "rearranged travel plan by the dynamic itinerary monitoring system, and (ii) additional downstream segments that were added to the prearranged travel plan by the dynamic itinerary monitoring system." The Examiner respectfully disagrees. Notwithstanding the issue with New Matter rejection, Nassar teaches the limitation by disclosing that the user is notified of an additional segment of a later flight home if the user chooses or cannot make the original flight. (col 11: lines 1-15) Furthermore, by notifying the user of

the addition of a downstream segment, the user is also being notified of changes that were made to the downstream segments

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 14, and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Claims 1, 14 and 25 recite "and (ii) additional downstream segments that were added to the prearranged travel plan by the dynamic itinerary monitoring system." However, the specifications as provided by the applicant only describe altering a preexisting travel plan by changing or replacing downstream segments. No where in the specifications does it describe adding additional downstream segments to the preexisting travel plan. Appropriate action is required.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 2, 14, 15, 25 and 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 14, 15, 25 and 26 comprise an "if" statement wherein a limitation is performed if that "if" statement is met. However, it is unclear how the claimed limitation flows if the "if" statement is not met. Appropriate action is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, 8-11, 14-15, 19-22, 25-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar, European Patent Application No. EP 1096405 A2 in view of Anderson et al., U.S. Publication No. 2002/0178226 in view of Lee et al., U.S. Patent No. 6,263,358 and further in view of Bekkers, U.S. Publication No. 2004/0019509.

10. **As per claims 1, 14, and 25**, Nassar discloses a method, a system, and a computer program product (Nassar: Fig.1; col. 2, lines 7-11; col. 6, lines 16-17) for rescheduling travel arrangements comprising the steps of:

obtaining, by the dynamic itinerary monitoring system (Nassar: Fig. 1, "16"), current travel information for a user to identify a current status of travel of the user (Nassar: col. 3, lines 5-22 and 43-47; col. 6, lines 20-23);

responsive to a real-time change in status in at least one segment of a prearranged travel plan for the user, determining by the dynamic itinerary monitoring system whether the user has provided information for making changes to downstream segments of the prearranged travel plan (Nassar: col. 3, lines 52-53; col. 7, lines 5-37, "profile of his personal preferences");

automatically altering, by the dynamic itinerary monitoring system, the downstream segments of the prearranged travel plan according to the information, if the user has provided information for making changes to the downstream segments of the prearranged travel plan (Nassar: col. 2, lines 35-40; col. 6, lines 6-12 and 27-30);

automatically contacting, by the dynamic itinerary monitoring system, at least one agency computing device to modify travel accommodations associated with the travel plan in accordance with the altered downstream segments (Nassar: Fig. 1, "14"; col. 6, lines 27-43; The TIC application server 16 contacts the content gateway 14 when accessing reservation module 12c. The Examiner notes, while Nassar discloses that the TIC application server 16, content gateway 14, and reservation module 12c typically run on a single computer, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have separated the TIC application server 16 from content gateway 14 into a second computer for the advantage of freeing up memory and making the first computer system less complex. Nassar does not teach

altering the downstream segments of the travel plan without involvement of the user. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system of Nassar to have included altering the downstream segments of the travel plan without involvement of the user for the advantage of saving time and minimizing the work required by the user to reschedule a flight.); and

    sending a notification to a communication device associated with the user indicating the altered downstream segments of the travel plan and the modified travel accommodations (Nassar: Fig. 1; col. 3, lines 9-12; col. 11, lines 1-15).

Nassar further teaches "wherein the altered downstream segments include both (i) changes that were made to certain of the downstream segments of the prearranged travel plan by the dynamic itinerary monitoring system, and (ii) additional downstream segments that were added to the prearranged travel plan by the dynamic itinerary monitoring system" by disclosing that the user is notified of an additional segment of a later flight home if the user chooses or cannot make the original flight. (col 11: lines 1-15) Furthermore, by notifying the user of the addition of a downstream segment, the user is also being notified of changes that were made to the downstream segments.

11. Nassar does not disclose a rule set wherein the rule set includes time-related information indicating under what conditions a discrepancy between the prearranged travel plan and the current travel information is to be resolved by altering downstream segments of the prearranged travel plan; wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved; and wherein

automatically contacting at least one agency computing device to modify travel accommodations associated with the travel plan includes negotiating with the at least one agency computing device to obtain new travel accommodations and applying user established preferences to the negotiation with the at least one agency computing device, such negotiation occurring without involvement of the user.

12. Anderson discloses a rule set wherein the rule set includes information indicating under what conditions a discrepancy between the prearranged travel plan and the current travel information is to be resolved by altering downstream segments of the prearranged travel plan (Anderson: paragraphs 0017; 0029) and wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved (Anderson: paragraphs 0017; 0020; 0029).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, system, and computer product of Nassar to have included a rule set wherein the rule set includes information indicating under what conditions a discrepancy between the prearranged travel plan and the current travel information is to be resolved by altering downstream segments of the prearranged travel plan and wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved as disclosed by Anderson for the advantage of automatically altering a reservation that the user would not have wanted to be bothered with (Anderson: paragraph 0032).

14. Nassar in view of Anderson does not disclose time related information and wherein automatically contacting at least one agency computing device to modify travel



accommodations associated with the travel plan includes negotiating with the at least one agency computing device to obtain new travel accommodations and applying user established preferences to the negotiation with the at least one agency computing device, such negotiation occurring without involvement of the user.

15. Lee discloses in a travel management application, a software agent (dynamic itinerary monitoring system) that acts autonomously on behalf of a user to negotiate with another agent (agency computing device) using user established preferences (Lee: col. 1, lines 8-15; col. 2, lines 43-46; col. 9, lines 13-19; col. 45, lines 22-30).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, system, and computer product of Nassar in view of Anderson to have included wherein automatically contacting at least one agency computing device to modify travel accommodations associated with the travel plan includes negotiating with the at least one agency computing device to obtain new travel accommodations and applying user established preferences to the negotiation with the at least one agency computing device, such negotiation occurring without involvement of the user as disclosed by Lee for the advantage of finding the best travel deal for a customer without his/her involvement.

17. Nassar in view of Anderson and further in view of Lee does not disclose time-related information.

18. Bekkers discloses time-related information (Bekkers: paragraph 0059, "tolerance (the number of minutes delayed that constitutes a delay in the view of the particular customer)).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, system, and computer product of Nassar in view of Anderson and further in view of Lee to have included time-related information as disclosed by Bekkers for the advantage of creating specific user preferences that can help cater goods and services that fit a customer's demand.

20. **As per claims 2, 15, and 26**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method, system, and computer product of claims 1, 14, and 25 as described above. Nassar further discloses retrieving the prearranged travel plan from a storage device (Nassar: Figure 1, "10"; col. 6, lines 16-30); and comparing the prearranged travel plan to the current travel information, wherein the real-time change in status in the at least one segment of the prearranged travel plan is determined if a result of the comparison indicates the discrepancy between the prearranged travel plan and the current travel information (Nassar: col. 3, lines 5-14; col. 6, lines 16-30).

21. **As per claims 3**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method of claim 1 as described above. Nassar further discloses the prearranged travel plan is obtained as travel arrangements are finalized by the user via at least one web site (Nassar: Fig. 1, "20a"; col. 7, lines 5-26).

22. **As per claim 4**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method of claim 1 as described above. Nassar further discloses the prearranged travel plan is obtained by receiving user input to at least one Web form

provided by at least one server, identifying information regarding segments of the prearranged travel plan (Nassar: Fig. 1, "16" and "20a"; col. 7, lines 5-26).

23. **As per claims 8 and 19**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 1 and 14 as described above. Nassar further discloses the user established preferences indicate a user preference regarding at least one of a preferred type of travel accommodation (Nassar: col. 3, lines 52-54; col. 7, lines 8-10). Nassar does not disclose a preferred vendor of a travel accommodation.

24. Anderson discloses a preferred vendor of a travel accommodation (Anderson paragraph 0015, "e-commerce providers that a user prefers").

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system of Nassar in view of Anderson in view of Lee and further in view of Bekkers to have included a preferred vendor of a travel accommodation as disclosed by Anderson for the advantage of allowing a customer to select a particular service that is desired.

26. **As per claims 9, 20, and 28**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method, system, and computer product of claims 1, 14, and 25. Nassar further discloses identifying a plurality of prearranged travel plans for a plurality of users in a travel plan storage device (Nassar: Figure 1, "10"; col. 2, lines 7-18; col. 4, lines 12-14); for each prearranged travel plan, determining if the travel plan is currently active (Nassar: Figure 1; col. 6, lines 16-30; The notification module 12b performs the task of determining if the travel plan is currently active when

monitoring a specific event.); and performing the steps of obtaining, determining, altering and contacting for each currently active prearranged travel plan in the travel plan storage device (Nassar: Fig. 1, "10"; col. 2, lines 35-40; col. 3, lines 5-22, 43-47, and 52-53; col. 6, lines 6-12 and 20-43; col. 7, lines 5-37).

27. **As per claims 10 and 21**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 1 and 14 as described above. Nassar further discloses the current travel information is obtained from at least one current travel information source computing device (Nassar: col. 2, lines 11-15; col. 3, lines 5-9).

28. **As per claims 11 and 22**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 10 and 21 as described above. Nassar further discloses the at least one current travel information source computing device includes at least one of an airline computing system, a travel agency computing system, a transportation provider computing system, a lodging provider computing system, and a government agency computing system (Nassar: col. 2, lines 11-18).

29. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar, European Patent Application No. EP 1096405 A2 in view of Anderson et al., U.S. Publication No. 2002/0178226 in view of Lee et al., U.S. Patent No. 6,263,358 in view of Bekkers, U.S. Publication No. 2004/0019509 and further in view of Zobell et al., U.S. Patent No., 6,606,553.

30. **As per claims 12 and 23**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 10 and 21 as described above.

31. Nassar in view of Anderson in view of Lee and further in view of Bekkers does not disclose the at least one current travel information source includes an Air Route Traffic Control Center (ARTCC) computing system.

32. Zobell discloses the at least one current travel information source includes an Air Route Traffic Control Center (ARTCC) computing system (Zobell: col. 12, lines 35-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system of Nassar in view of Anderson in view of Lee and further in view of Bekkers to have included the at least one current travel information source includes an Air Route Traffic Control Center (ARTCC) computing system as disclosed by Zobell for the advantage of providing a method and system for effective weather rerouting decision support based on frequently updated weather forecasts (Zobell: col. 3, lines 15-19).

### ***Conclusion***

33. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the

responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROB WU whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. W./  
Examiner, Art Unit 3628

/JOHN W HAYES/  
Supervisory Patent Examiner, Art Unit 3628